

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, AUGUST 23, 2016 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Reverend Father Jim Curran, The Basilica of Saint Mary of the Immaculate Conception Church, followed by the Pledge of Allegiance.

The following members were present: Ms. Carry, Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Dr. Whibley, and Mr. Alexander.

President Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

CEREMONIAL MATTERS

Kurt Hofelich, the 2016 United Way Campaign Chair, and Adrienne Phelps, United Way Key Accounts Manager presented Council with a plaque, thanking the employees of the City of Norfolk for their generosity.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brock Ventures, Inc.**, for an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Institutional to Multifamily and for a change of zoning from IN-1 (Institutional) District to R-13 (Moderately High Density Multi-Family) District on property located at **435 Virginia Avenue**.

(Passed by at the June 28, 2016 meeting)

(The applicant has requested this matter be continued to October 25, 2016)

ACTION: The matter was continued on the request of the applicant to October 25, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the relocation of a **Virginia Electric and Power Company** easement located over city-owned property known as Lake Whitehurst in accordance with the Easement Relocation Agreement.

Thereupon, an Ordinance entitled, “An Ordinance approving the relocation of a **Virginia Electric and Power Company** easement located over city-owned property known as Lake Whitehurst in accordance with the Easement Relocation Agreement; and authorizing the City Manager to execute the Easement Relocation Agreement on behalf of the City,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Timothy M. Massey**, for the closing, vacating and discontinuing a portion of Willoughby Bay Avenue having a 40-foot width right-of-way and lying south of **775 W. Ocean View Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance vacating a portion of Willoughby Bay Avenue south of the property known as 775 West Ocean View Avenue,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit the renovation of an existing, nonconforming sign on property located at **222 West 21st Street**,” was introduced in writing and read by its title.

(The applicant has requested this matter be withdrawn)

ACTION: This matter was withdrawn.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

Matter of a letter from the City Manager and a Public Hearing scheduled this day pursuant to action of the Council on July 19, 2016, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Christian Schools**, to amend the Future Land Use Designation in the **General Plan, *planNorfolk2030***, from Single-Family Traditional to Institutional at **260 Filbert Street** and for a change of zoning from IN-1 (Institutional), Conditional IN-1, and R-8 (Single-Family) to Conditional IN-1 at **255 Thole Street and 260 Filbert Street**.

(Public Hearing Closed on July 19, 2016)

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan *Planorfolk2030*, SO AS TO change the land use designation for property located at **260 Filbert Street** from Single-Family traditional to Institutional,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

An Ordinance entitled, “An Ordinance to rezone properties located at **255 Thole Street and 260 Filbert Street** from IN-1 (Institutional), Conditional IN-1 (Institutional, and R-8 (Single-Family Residential) to Conditional IN-1 (Institutional) District,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R- 3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Carmen’s Café’ on property located at **9610 1st View Street**,” was introduced in writing and read by its title.

John Willis, 2240 Tarrellton Drive, spoke in favor of this matter.

Carmen Carcamo, applicant, 9610 1st View Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Chipotle’ on property located at **1087 North Military Highway**,” was introduced in writing and read by its title.

Ann Crenshaw, 150 W. Main Street, attorney for the applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit mixed uses on property located at **4914 Colley Avenue**,” was introduced in writing and read by its title.

Faith Conlon, applicant, 4914 Colley Avenue and Robyn Thomas, Architect, 913 W. 21st Street, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit mixed uses on properties located at **4009 to 4013 Colley Avenue and 801 and 809 West 41st Street**,” was introduced in writing and read by its title.

Bobby Howerin, applicant, 4013 Colley Avenue and Robyn Thomas, Architect, 913 W. 21st Street, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-7

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a religious institution named ‘New Horizon Outreach Ministries’ on properties located at **1555 to 1575 Kerrey Avenue**,” was introduced in writing and read by its title.

Mike Gray, 1542 Kerry Avenue, spoke in opposition to this matter.

James Faulks, 719 Redmill Road, spoke in favor of this matter.

Sean Matthews, 2704 Pendragon Court, Chesapeake, and Elmer Toll, Engineer, 770 Independence Circle, Virginia Beach, were present in favor of this matter but did not speak.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-7A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a Day Care Center by “New Horizon Outreach Ministries” on property located at **1555 to 1575 Kerrey Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a commercial drive-through for ‘Wendy’s’ on property located at **1380 East Little Creek Road**,” was introduced in writing and read by its title.

Lisa Murphy, Attorney, 999 Waterside Drive, Suite 2100 and Scott Jones, Construction Manager, 438 Telegraph Road, New Jersey, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Bardo’ on property located at **434 West 21st Street**,” was introduced in writing and read by its title.

Greg Bosch, 430 W. 21st Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Caroll and Caroline Ballard** to encroach into the right-of-way of **Commonwealth Avenue** with a fence and landscaping hedges,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance requesting the **Virginia Department of Transportation** to establish projects for the surface treatment of six pave segments in accordance with the Programmatic Project Administration Agreement between the City of Norfolk and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of \$1,000,000.00 for these projects, subject to and in accordance with the terms of the aforesaid Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance requesting the **Virginia Department of Transportation** to establish projects for the West Ocean View Flyover, the Citywide ADA Ramp Construction, phase 3, and the Granby Street/Bayview Boulevard Intersection Improvements in accordance with the Programmatic Project Administration Agreement between the City of Norfolk and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of \$3,540,000.00 for these projects, subject to and in accordance with the terms of the aforesaid Agreement,” was introduced in writing and read by its title.

Councilwoman McClellan requested this matter be continued to September 13, 2016.

ACTION: Continued to September 13, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an Agreement with the **Commonwealth of Virginia, Department of Transportation**, for the adjustment of water and sanitary sewer facilities,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Lease Agreement between 741 Monticello Avenue, as Lessor, and the City of Norfolk, as Lessee**, for the lease of property owned by 741 Monticello, LLC located at **741 Monticello Avenue**; authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk; and authorizing the expenditure of a sum of up to \$814,400.00 from funds heretofore appropriated to cover the lease payments for the remainder of fiscal year 2016-2017,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend the Lease Agreement between James E. Baylor Holding Corporation and the City of Norfolk for the property located at **3755 Virginia Beach Boulevard**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend the Lease Agreement between 7460 Tidewater Drive Associates, LLC and the City of Norfolk for the property located at **7460 Tidewater Drive**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating grant funds totaling \$56,549,805.00 to the **School Board of the City of Norfolk** for Title I Programs, other Special Programs and the School Nutrition Services Program and authorizing the expenditure of the funds in **Fiscal Year 2017 for Norfolk Public Schools**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a grant in the amount of \$1,187,800 from the **Virginia Department of Criminal Justice Services for the Norfolk Criminal Justice Services Agency**, appropriating and authorizing the expenditure of the grant funds in the amount of \$1,187,800, authorizing and expenditure of \$158,932 in local funding for the NCJS Agency, authorizing the employment of twenty (20) persons for the agency and providing funds for their salaries and benefits,” was be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$165,000.00 Grant Award from the Federal Emergency Management Agency to provide funds to elevate one (1) flood-prone private property and appropriating and authorizing expenditure of the grant funds for the **Elevation Project**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$8,000 in grant funds from the Virginia Department of Criminal Justice Services for the **Byrne/Jag Grant Program**, appropriating and authorizing the expenditure of the funds and authorizing the expenditure of \$8,000 in local cash matching funds for the program and total program funding in the amount of \$16,000,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-21

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a Grant Award of \$260,000.00 from the **Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** for the development and promotion of an affordable, safe and supportive housing Program for persons with serious mental illness,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-22

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting from the **Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** of a Grant Award of \$15,529 for the Project for Assistance in Transition from Homelessness, a Grant Award of \$32,266 for Substance Abuse Medication Assisted Treatment and a Grant Award of \$2,451 for the Program of Assertive Community Treatment and appropriating and authorizing the expenditure of the Grant Funds for the Programs,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-23

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a Grant Award of \$52,777.78 from **the Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** to reduce bed utilization at Eastern State Hospital,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-24

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$178,738.56 in grant funds from the Virginia Department of Health, Office of Emergency Medical Services, for the “**Four for Life**” Program and appropriating and authorizing the expenditure of the \$178,738.56 in grant funds for the “Four for Life” Program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-25

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Atlas Holdings Two, LLC** to encroach into the right-of-way at **243 W. Bute Street** with a door awning and sign,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-26

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a grant to **Virginia Supportive Housing**, from the Capital Improvement Program Fund, in the amount of \$707,000.00 for the construction of apartments for previously homeless single adults on the property known as **2000 Church Street** in the City of Norfolk,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, and Orlando Artze, 15 Potomac Overlook Lane, Stafford, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-27

Letter from the City Manager and an Ordinance entitled, “An Ordinance to change the starting time of the **regular weekly city council meeting scheduled** for Tuesday, September 20, 2016, at 7:00 p.m. to September 19, 2016 at 8:00 a.m. and to move the location of said meeting,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, stated that the Ordinance caption did not specify the location of the meeting or the reason for moving it, and asked they be more specific in the future.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-28

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Subsections (A) and (G) of Sections 24-203 and 24-203.1, subsection (C) of Section 24-203.1 and add a Subsection (H) to Section 24-203 of the Norfolk City Code **SO AS TO** require preservation of at least fifty-one percent (51%) of the building, limit eligible expansion, reduce the minimum age requirement of commercial and multifamily renovation properties from fifty (50) to forty (40) years, to permit change in use and to provide for an adjusted assessment in order to more accurately assess the increased value,” was introduced in writing and read by its title.

Alice Allen-Grimes, 1322 Mallory Court, spoke in opposition of this matter and asked for a full audit on historic properties.

ACTION: The Ordinance as introduced was **adopted**, effective August 23, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: Carry.

R-29

Letter from the City Clerk requesting confirmation of the appointment of Lauren A. Anderson to the position of Deputy City Clerk/Secretary, effective August 22, 2016.

ACTION: Confirm appointment.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-30

A Resolution entitled, “A Resolution expressing the thanks and appreciation of the Norfolk City Council to Paul D. Fraim for thirty years of service to the city while serving as a member of City Council and as Mayor,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

NEW BUSINESS

1. Jeffrey Logan, 1150 Wade Street, stated he believed there was a lack of diversity with the city’s police and fire departments and requested the city develop an affirmative action plan.
2. Charlene Christopher, 200 Maryland Avenue, thanked council for the negotiations of the lease for the Southside Head Start Program at Oakmont.
3. Ronda Madison, 2919 E. Virginia Beach Boulevard spoke about her elderly mother’s depilated house at 2919 E. Virginia Beach Boulevard and the lack of help from the City and NRHA to help with the repairs. She requested assistance on her mother’s behalf.

4. Debra Griggs, 111 South Arden Circle, commented the news reported animals rescued from the Louisiana flooding were being transferred to the Norfolk Animal Care Center. She believes resident animals may lose their lives to make room for rescued animals and it was not a good idea to transfer animals into an already overcrowded facility.
5. Barbara McMillan, 230 W. Tazewell Street, #103, commented on the old cigar warehouse building on Princess Anne Road that would be developed into apartments - she hoped the new complex would have adequate conditions and parking, and an outdoor area.
6. Danny Lee Ginn, 3844 Dare Circle, stated that the council needs to have transparency and called for a no confidence vote for Councilman Riddick, saying when that occurs he will stop attending council meetings.